

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL S. DONOVAN,
Petitioner,

v.

CIVIL ACTION NO.
14-10182-RGS

LISA MITCHELL,
Superintendent,
Respondent.

ORDER TO ANSWER

January 28, 2014

BOWLER, U.S.M.J.

In accordance with the Rules Governing Section 2254 Cases in the United States District Courts, respondent Lisa Mitchell, Superintendent of the Old Colony Correctional Center in Bridgewater, Massachusetts ("respondent"), is hereby **ORDERED** to file an answer to the petition in the above-styled action within 20 days after receipt of this Order, exclusive of the day of receipt. The answer must also include a statement notifying this court of the existence of any victim or victims as defined by 18 U.S.C. § 3771.

Pursuant to Rule 4, a copy of the petition shall be served on respondent and the Attorney General for the Commonwealth of Massachusetts by certified mail. The deadline for filing a dispositive motion or memorandum in opposition to the petition is

March 7, 2014.

In the event respondent wishes to raise an exhaustion defense in any dispositive motion or memorandum in opposition to the petition, respondent is also directed to brief the merits of all the claims inasmuch as this court has the discretion under 28 U.S.C. § 2254(b) (2) to deny an application on the merits notwithstanding a petitioner's failure to exhaust available state court remedies. Respondent should file all necessary state court records. In the event respondent argues that one or more claims fails on the merits, respondent is instructed to file the state court transcripts of the trial.

/s/ Marianne B. Bowler

MARIANNE B. BOWLER

United States Magistrate Judge